

# Ergonomics Update #6

## MSD Prevention in the Workplace

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May 26, 2000

### Washington state adopts ergonomics rule, long phase-in planned

The Department of Labor and Industries today adopted an ergonomics rule to reduce workplace hazards that cripple and injure more than 50,000 Washington workers a year.

Work-related musculoskeletal disorders (WMSDs or “ergonomic injuries”), such as back strain, tendinitis and carpal tunnel syndrome, cost more than \$411 million a year in medical treatment and lost wages alone, according to L&I workers’ compensation data. The total cost of these injuries statewide exceeds \$1 billion a year.

“These injuries represent a huge toll of pain, suffering and lost productivity for both employers and workers,” said Gary Moore, director of the Department of Labor and Industries.

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The ergonomics rule will require employers to find and fix ergonomic hazards in their workplaces.

The rule **will not** change the workers’ compensation system in any manner. Employers will not be cited or fined for workers who have musculoskeletal injuries.

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Ergonomics is the science of designing jobs, selecting tools and modifying work methods to better fit workers’ capabilities and prevent injury.

The rule has eight key elements:

1. The rule applies only to employers with “caution zone jobs,” those where any employee’s typical work includes physical risk factors specified in the rule. Caution zone jobs are not prohibited and they may not be hazardous.
2. Employers with caution zone jobs must ensure that employees working in or supervising these jobs receive ergonomics awareness education. These employers also must analyze the caution zone jobs to determine if they have hazards.
3. Employers may choose their own method and criteria for identifying and reducing WMSD hazards or may use L&I’s specified criteria.
4. If jobs have WMSD hazards, the employer must reduce exposures below hazardous levels or to the extent technologically and economically feasible.
5. Employers must provide for and encourage employee participation.
6. An extended implementation schedule based on industry type and employer size allows employers, especially small businesses, ample time to prepare for compliance.

7. The department will assist employers and employees in implementing the rule. These activities include developing guides and models, identifying industry best practices, establishing inspection policies and procedures, and conducting demonstration projects.
8. Employers may continue to use effective methods of reducing WMSD hazards that were in place before the rule adoption date as long as the methods, taken as a whole, are as effective as the requirements of the rule.

L&I has completed a cost-benefit analysis. The estimated annual cost of complying with the rule is \$80.4 million. The estimated annual benefit from the rule is \$340.7 million. The benefit-cost ratio is 4.24, indicating that the estimated benefits substantially outweigh the costs.

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### Overview of the Ergonomics Rule

<i><b>If This</b></i>	<i><b>Then</b></i>	<i><b>This</b></i>
1 If there are no physical risk factors above the levels listed in the rule:	The employer is not subject to the rule and	<ul style="list-style-type: none"><li>• No action is required</li></ul>
2 If one or more physical risk factors exceeding the levels listed in the rule are present:	The job is a "caution zone job" and the employer must	<ul style="list-style-type: none"><li>• Ensure education</li><li>• Involve and inform employees</li><li>• Analyze caution zone jobs</li><li>• Inform safety/health committee or discuss at safety meetings</li></ul>
3 If the analysis finds that WMSD hazards are present in the caution zone job	The employer must	<ul style="list-style-type: none"><li>• Reduce hazard of the job below the hazardous level or to the degree technologically and economically feasible</li></ul>

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### A very open process

Labor and Industries adopted the ergonomics rule after a 20-month rule-making process. Before drafting the proposed rule, L&I actively engaged the business and labor communities and health professionals in detailed discussions. L&I hosted community meetings in October 1998 and worked with two advisory committees from February through June 1999. In January 2000, L&I held 14 public hearings in seven cities. More than 240 people testified at the hearings and 850 submitted written comments.

Based on that testimony and commentary, changes in the proposed rule were made. For example:

- A more specific definition of "typical work activities" to make it clear that incidental or occasional exposures are not covered. (WAC 296-62-05105)
- The content for ergonomics awareness education is more general. This improves "portability" from business to business when an employee changes jobs. (WAC 296-62-05122)

- New language says that employers are not required to move from a full-time to a part-time workforce or to reduce an individual's work hours in order to comply with the rule. (WAC 296-62-05130(5)(c))
- All employers now have nine more months to meet the rule's first deadline. References to "employees" were changed to "annual full-time equivalent," which extends the deadline for some small businesses. This is important to seasonal employers with peaks in business, like agriculture and construction. Two of the SIC codes in the list of highest-risk industries were changed to reflect the most current data available. (WAC 296-62-05160)

## Extended phase-in planned

The requirements of the rule are phased in over a period of years. How long depends on the size of the business and what industry it is in. Initially, the rule will focus on larger employers (50 or more full-time equivalent workers) in the 12 industries having the highest risk of WMSDs. They include sawmills, nursing homes and several of the most hazardous building trades.

Although L&I is not a high-risk industry, the department will be among the first to comply with the rule. The implementation schedule follows:

<b>Industries</b>	<b>First Deadline: Awareness Education and Hazard Analysis Completed</b>	<b>Second Deadline: Hazard Reduction Completed</b>
Large, highest-risk employers (50 or more FTE annually) and Department of Labor and Industries	July 1, 2002	July 1, 2003
Remaining highest-risk employers and All other large employers (50 or more FTE annually)	July 1, 2003	July 1, 2004
All other moderate-size employer (11 to 49 FTE annually)	July 1, 2004	July 1, 2005
All other smaller employers (10 or fewer FTE annually)	July 1, 2005	July 1, 2006

FTE: The equivalent of one person working 2,000 hours per year. Two people working half time count as one FTE.

## Implementation strategy benefits all

Throughout the rule-development process, L&I heard compelling accounts of the devastating impact WMSDs had on the work and home life of injured workers. The department also heard concerns from businesses about their ability to correctly identify hazards and appropriately address them.

Director Moore said, "Ergonomic injuries are a huge problem, but we've found a unique solution that will assist employers and protect workers."

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"Hundreds of people shared their personal experiences, their ideas and their questions. What we learned, we used to design a fair, flexible and feasible rule," said Michael Silverstein, M.D., assistant director, workplace safety and health.

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Unprecedented features of the new rule include:

- A two- to five-year phase-in period, allowing time for employers to prepare for complying with the rule through voluntary activities and special programs.
- Financial incentives, such as workers' compensation premium discounts for employers participating in demonstration projects and special programs.
- Practical and understandable technical assistance and educational materials.

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L&I will convene a blue-ribbon panel of experts to determine that the rule requirements are understandable, the proposed enforcement policies are fair and consistent, and demonstration projects are successful.

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## How to obtain more information

Copies of the final rule and other ergonomics documents are available on L&I's web site, <http://www.lni.wa.gov/wisha/ergo>.

If you would like to receive printed copies of the ergonomics rule and other helpful information, contact the L&I office closest to you.

Aberdeen	360-533-8200	Kennewick	509-735-0100	Seattle	206-281-5400
Bellevue	425-990-1400	Longview	360-575-6900	Spokane	509-324-2600
Bellingham	360-647-7306	Moses Lake	509-764-6900	Tacoma	253-596-3800
Bremerton	360-415-4000	Mt. Vernon	360-416-3058	Tukwila	206-248-8240
Colville	509-684-7417	Okanogan	509-826-7345	Tumwater	360-902-5464
E. Wenatchee	509-886-6500	Port Angeles	360-417-2700	Vancouver	360-896-2301
Everett	425-290-1300	Pullman	509-334-5296	Walla Walla	509-527-4438
				Yakima	509-454-3700

## Next steps

Adoption of the rule begins a new stage of activity for L&I – acting on the implementation commitments contained in the rule. Between now and early fall, L&I will:

- Respond to requests for information about the rule.
- Meet with business and community leaders around the state to explain the rule, outreach efforts and technical assistance for small businesses, and to review the implementation phase-in schedule.
- Offer employers and employees basic workshops on ergonomics and the requirements of the ergonomics rule. To learn more about information sessions on the ergonomics rule and future training workshops, call 800-574-2829. We will add your name to a mailing list and notify you when they are scheduled.